UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/PV.1389
6 September 1991

ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1389th MEETING

Held at Headquarters, New York,
on Monday, 12 August 1991, at 10 a.m.

Chairman: Mr. ALARCON DE QUESADA (Vice-Chairman) (Cuba)

later: Mr. SLABY (Vice-Chairman) (Czechoslovakia)

- Special Committee decision of 15 August concerning Puerto Rico

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In the absence of the Chairman, Mr. Alarcon de Quesada (Cuba), Vice-Chairman, took the Chair.

The meeting was called to order at 11 a.m.

SPECIAL COMMITTEE DECISION OF 15 AUGUST 1990 CONCERNING PUERTO RICO

The CHAIRMAN (interpretation from Spanish): I wish to draw the attention of members to the report of the Rapporteur contained in document A/AC.109/L.1768.

As members are aware, the Committee has received a number of communications from organizations, containing requests that they be heard by the Committee concerning this item. The texts of those communications have been made available to members in aide-mémoire 20/91. A number of additional communications containing requests for hearings have been circulated in addendum 1 to aide-mémoire 20/91. Subject to the concurrence of members and in order to facilitate our work I wish to suggest that, in conformity with established practice, the Committee decide to hear petitioners, as far as possible, in the order of the receipt of their communications.

It was so decided.

The CHAIRMAN (interpretation from Spanish): As of this morning there were 59 organizations wishing to be heard by the Committee. In conformity with established practice, the Committee will hear only one representative from each organization. I would suggest that, wherever possible, organizations sharing similar viewpoints select one person to speak on their behalf.

Also, I earnestly appeal to speakers to be brief, and to limit their statements to a maximum of seven minutes so that the Committee will be able to hear all the speakers during the meetings scheduled for this item. I would

(The Chairman)

note that in July Guadalajara was the site of the first meeting of all Heads of State or Government of countries of Ibero-America, Spain and Portugal. The same time limit was imposed on speeches there. I can affirm that those Heads of State or Government were able to hold a historic meeting while strictly complying with a seven-minute time limit, and I urge all petitioners on this item also to comply with that limit.

At the invitation of the Chairman, Mr. José Sagardía Pérez (Puerto Rican Bar Association) took a place at the petitioners' table.

The CHAIRMAN (interpretation from Spanish): I call on Mr. Sagardía Pérez.

Mr. SAGARDIA PEREZ (interpretation from Spanish): My name is José M. Sagardía Pérez, and I am President of the Puerto Rican Bar Association, on whose behalf and at whose request I appear here today. The membership of our 150-year-old organization represents all 8,152 lawyers of the country. The Puerto Rican Bar Association is a pluralistic, heterogeneous institution where diverse ideologies are represented. We have an honourable record of objective and responsible examination of the political and legal situation of the people of Puerto Rico; this has been the result of intensive work over many years by jurists of many ideologies. The Association has been appearing before this Committee since 1974 and has studied all Committee resolutions on Puerto Rico.

Since its foundation the Association has been committed to solving the most urgent problems facing its members and Puerto Rican society at large. One of our priority concerns has been to study, analyze and evaluate legally acceptable solutions to the problem of political status. It is our right and obligation to make a juridical contribution to the public debate.

(Mr. Sagardia Perez)

This longstanding position of the Association was recognized on 31 July 1991 as a valid expression of solidarity at the thirty-fifth congress of the International Union of Lawyers held in Mexico City. At that time, more than 1,000 delegates from more than 100 countries from around the world unanimously affirmed that the cardinal and guiding principle of the legal profession was to take an active and responsible part in the process of addressing from the correct legal perspective all vital issues facing our countries. Our presence before the Committee this year is particularly meaningful.

At the last Assembly of our institution we approved a mandate for the President to the effect that he should perform the duty of promoting and defending the position of our Association with respect to the decolonization of Puerto Rico. This has been reiterated on many occasions and in various forums, both within our homeland and outside.

This historic position, which has received unparalleled national consensus, is based on the most fundamental principles of international law concerning the self-determination of peoples as enshrined in General Assembly resolution 1514 (XV).

Subsequently, a federal court, the First Circuit Court of the United States, ratified a finding of the District Court of the United States for Puerto Rico, which has sought to silence and muzzle our institution in all matters relating to the juridical and constitutional development of Puerto Rico. In so doing, it not only contravened the sovereign, objective and impartial wishes of our deliberative bodies, but also sought to go over the heads of our legislature and conflicted with the ruling of our highest courts.

(Mr. Sagardia Perez)

I appear here today with legitimate pride to bring to the Committee the calm, firm, incorruptible and irrepressible position of the members of our Association, who are committed to a process that will lead to a proper solution to the constitutional problem of Puerto Rico. I assume this responsibility with the firmest conviction and clearest awareness that we are fulfilling our ineluctable duty to protect the rights of all Puerto Ricans.

The function of our Bar Association is to identify the minimum requirements that the three formulas should fulfil so that Puerto Ricans may express their preference, whatever it may be. It has never been and never will be the function of our Association to determine which of the possible forms of status should be preferred by the Puerto Rican people. That decision is solely for the people of Puerto Rico themselves to make through the free and democratic expression of their will.

During the last two years our Association has kept this Committee informed concerning the latest developments with respect to the status of Puerto Rico and the possible plebiscite. Despite the fact that bills have been introduced in the United States Senate and House of Representatives; despite the fact that public hearings have taken place, both in Washington and in Puerto Rico, and that various texts and provisions were approved by the Senate Committee on Energy and Natural Resources and by the House Subcommittee on Territories, so far there has been no consensus - only apparent fragmentation and a polarization of views.

However, certain facts emerge that are extremely important. The Government of the United States, through its various official spokesmen, has clearly and emphatically stated that Puerto Rico is a Territory under the

(Mr. Sagardia Perez)

sovereignty of the United States. At the same time, it has reaffirmed that the source of Congressional authority over the Commonwealth of Puerto Rico emanates from the territorial clause of the United States Constitution, which empowers Congress to approve laws and regulations concerning the Territory and other United States possessions. A number of juridical and ethical conclusions can be drawn from this:

First, the United States, in requesting and obtaining from this body in 1953 a waiver of its reporting duties on Puerto Rico - meaning, in effect, that that Territory had ceased to be a United States colony - committed an act that flagrantly violated all rules of juridical truth. Secondly, that monstrous juridical lie has been maintained and repeated for almost 40 years. Thirdly, the official spokesmen of the United States now confess without apparent intention to improve matters, that Puerto Rico is subject to the territorial clause of the Constitution. Fourthly, all of the above proves that Puerto Rico is a colony of the United States.

The colonial status of our country is intolerable. Puerto Ricans demand and will achieve their decolonization. To this end, the people of Puerto Rico must exercise its right to self-determination, without interference from any quarter. I stress that this is the process of self-determination, which must not become a process of mutual determination.

No political force alien to the collective will of the Puerto Rican people can take that decision. This is how it must be, and this is how it will be. We shall never relinquish that right, and by my appearance here today we demand guarantees and protection in its exercise.

Finally, we again call upon the Special Committee, in fulfilment of its oversight function of ensuring that peoples whose constitutional problems have

eluded valid, legal solutions be allowed the prompt and unimpeded exercise of all their fundamental freedoms, to remain in constant session on this matter.

Mr. Sagardia Perez withdrew.

At the invitation of the Chairman, Ms. Marie Elaine Aloise, Director of the Pro-Statehood Cagaus Committee, took a place at the Committee table.

The CHAIRMAN (interpretation from Spanish): I call on Ms. Marie Elaine Aloise.

Ms. ALOISE: I am Marie Elaine Aloise, Director of the Comité Cagueño Pro Estadidad - the Pro-Statehood Cagaus Committee. Again for the third consecutive year, I appear before this forum to continue to discuss some relevant points concerning Puerto Rico's current political status. Although Puerto Rico is considered a commonwealth by definition, this is a sort of political contradiction since, although the Island enjoys local autonomy in certain matters, it still supports the vestiges of colonialism because the Island is not autonomous in managing its international concerns and is, in fact, subordinate in certain areas to the mandate of the United States Congress.

This phenomenon may be called Estado Libre Associado, which is translated as "Commonwealth" but really means a freely associated status, but in reality is nothing more than modern-day colonialism. Colonialism is an immature state; it is a type of guardianship. Yet we are a mature people with political understanding and dignity. For almost 500 years we have been a colony and we are anxious to assume our full dignity, either as a separate nation through the enactment of independence or to assume our full dignity as an integral part of the American nation by becoming a full-fledged state with all the rights and obligations of such.

(Ms. Aloise)

Independence or statehood - those are the only two options of dignity allowed us, and we would like the opportunity to determine our choice.

Each year this Council resurrects a resolution concerning Puerto Rico's self-determination. This Council juxtaposes self-determination synonymously with independence. It is our understanding that your body's resolution is defective and must be amended to include two alternatives: Puerto Rico's self-determination as either an independent nation or as an integrated state of the American federation. These are the only dignified solutions to our political determination.

(spoke in Spanish)

Before concluding, I wish to lodge a protest: the same standard should be applied to all organizations represented here. This year is the third time that I have been called upon after the representative of the Bar Association, when in fact my turn was first.

Ms. Aloise withdrew.

At the invitation of the Chairman, Mr. Olaguibeet Lopez Pacheco (Supremo Consejo del Grado 33, Puerto Rico, Inc.) took a place at the Committee table.

The CHAIRMAN (interpretation from Spanish): I now call on Mr. Lopez Pacheco.

Mr. LOPEZ PACHECO (Supremo Consejo del Grado 33, Puerto Rico, Inc.) (interpretation from Spanish): Once again we appear before the Committee on behalf of the Masonic organization Supremo Consejo del Grado 33 for Puerto Rico. And once again we denounce the colonial situation endured by Puerto Rico at the hands of the United States since 1898. It was almost one century ago that we were violently invaded by the armed forces of the United States, as a result of which the United States appropriated Puerto Rico as war booty. This is a strictly historical fact.

During the subsequent 93 years, the United States has exploited Puerto Rico, imposing on it its absolute political and economic hegemony. It pockets a profit of over $10 million yearly from this situation - an extremely conservative estimate computed by the Government itself, without counting what the the Pentagon also obtains.

The United States has misinformed the United Nations by adducing the argument that Puerto Rico has been consulted on its status by means of a plebiscite, and that Puerto Rico has chosen its current status: to be a possession of the United States.

Last year we alerted the Committee to the fact that the plebiscite that the United States professed to be preparing to enable Puerto Rico to choose its own status was a ruse on the part of the mother country. We were referring then to a plebiscite bill on Puerto Rico, which was going to be submitted to the Congress of the United States.

(Mr. Lopez Pacheco)

For your information, on 27 February 1991, the Senate Energy and Natural Resources Committee defeated the plebiscite bill presented by its Chairman, Senator J. Bennett Johnston, together with the replacement measure put forward by the minority leader, Senator Malcom Wallop. On 7 March, the legal advisor of the Democratic majority in that Senate Committee stated to the media that the plebiscite bill for Puerto Rico was dead.

In 1981 the United States struggled very hard to prevent the colonial case of Puerto Rico from coming before the General Assembly. It began with a Commission for the decolonization of Puerto Rico and the establishment of its duties and responsibilities. That Commission was set up by executive order of the then colonial Governor of Puerto Rico.

Apparently, that seemed quite acceptable, but its objective was to confuse Puerto Rican positions and not even remotely to commit the Congress of the United States to fulfilling the will of the Puerto Rican people. It was a plan devised by the United States to perpetuate Puerto Rico's colonial status.

Now once again we see the same old trick, slightly modified: the colonial Governor of Puerto Rico is inviting the leaders of the other two main parties in the colony to hold a referendum during the general elections in November 1992, in order to amend the Constitution of the Commonwealth, establishing that any plebiscite would have to include the three formulas: statehood, that is, becoming a state of the United States; independence; and the present colonial status.

Even a cursory analysis shows that such a constitutional amendment would serve only to create more impediments to any solution to the colonial status of Puerto Rico, thus perpetuating the current situation.

(Mr. Lopez Pacheco)

Puerto Rico's current political status as a so-called "commonwealth" was devised by the United States with a view to convincing the world that it was pursuing a decolonization policy that was in keeping with the times. But look at the conditions: Puerto Rico has no right to terminate such a status even if it wishes to do so. Puerto Rico has no control over its internal affairs, which are subject to those of the United States. Puerto Rico has no right to conclude treaties or to have relations with other countries. But the argument that most resoundingly supports the fact that Puerto Rico's current political status is a colonial one is that it does not allow for membership of this United Nations.

The United States, unless forced to do so by the United Nations, will not fulfil its historic duty and function; it will not consider anything other than an extension of the colonial status of Puerto Rico, which is what best suits the United States.

This Organization cannot oblige the United States to make Puerto Rico one more state in its nation for one simple reason: each and every one of the nations that make up the United Nations is autonomous and receives into the body of the nation only those whom it wishes to admit.

The only solution to the status of Puerto Rico is independence. This is a right natural to each and every people of the world. The time has come for the nations represented by the Committee members to fulfil their duties in the United Nations, the most important of which is terminating colonialism. Members should urge their respective governments to put an end to the farce that is being stage-managed by the United States for its own benefit, and proceed to consider the colonial case of Puerto Rico in the plenary session of the General Assembly.

(Mr. Lopez Pacheco)

The flagrant use and abuse of military and economic power around the world for the purposes of conquest and colonialization must cease. Bring this about and your peoples will have achieved something worthy and noble for history and posterity.*

Mr. Lopez Pacheco withdrew.

At the invitation of the Chairman, Ms. Ivedith Irizarry (Respetable Logia Femenina Julia de Burgos) took a place at the Committee table.

The CHAIRMAN: I call on Ms. Irizarry.

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* Mr. Slaby (Czechoslavakia), Vice-Chairman, took the Chair.

Ms. IRIZARRY (interpretation from Spanish): I am addressing the Special Committee on behalf of the Respetable Logia Femenina Julia de Burgos, a Puerto Rican freemason organization represented by its former leaders, Conchita Rinaldi and Minerva Gonzalez, performing our masonic duty of upholding liberty, equality and fraternity among all human beings.

In keeping with the fundamental right of peoples to freedom and independence, we call for the implementation of resolution 1514 (XV), adopted in 1960 by the General Assembly.

As a result of the General Assembly decision declaring the 1990s as the Decade of Decolonization, we urge the Committee to give effect to its provisions without delay. Nineteen years have elapsed since the Committee adopted the first resolution on the self-determination of oppressed peoples. We believe that the time has come, in the consideration of the case of Puerto Rico, to act. Ever since 1960, when the Committee was founded, the United States Government has been considering a possible formula to use for setting in motion the process of self-determination for the Puerto Rican people.

Its most recent attempt shows that the entire process through which the status of Puerto Rico has been discussed in the United States Congress has been one of deception of our people. It is well known that any plebiscite, or whatever it may be, is just another manoeuvre by the oppressor country to demonstrate its democracy to the world while exercising absolute control and eliminating the decision-making power of the Puerto Rican people. After a protracted and intense colonization process, our people must now be decolonized.

(Ms. Irizarry)

Before the process of decolonization and independence begins, and in accordance with international law and General Assembly resolution 1514 (XV) - which, inter alia, expresses the Assembly's conviction

"that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory ..." -

we demand the following: first, that our nation be accorded sovereignty before any process to give effect to self-determination; secondly, that the process to be established be automatic and self-implementing; and thirdly, that the United Nations should participate directly in the process.

It is the United Nations responsibility, and not that of the dominant colonial Power, to assure that the process of self-determination is in accordance with international law.

We are grateful for the interest shown by the Committee in the liberation of nationalist prisoners, who are now enjoying well-deserved freedom. None the less, as good masons it is our moral and patriotic duty to bring to the Committee's notice the need to free political prisoners. In particular we request the unconditional and immediate release of our patriots Alejandrina Torres, Haydee Beltran, Dylcia Pagan, Ida Luz Rodriguez, Carmen Valentin and Alicia Rodriguez.

Our nation, in spite of not enjoying sovereignty, has maintained its cultural nationalism, thereby avoiding assimilation. That is why our political status has not hindered our feeling Latin American. The Committee must not lose sight of the fact that the Permanent Conference on Political Parties in Latin America (COPPAL), held in Valpariso, Chile, on 22 June this year, unanimously adopted a resolution in which the 44 political parties participating requested the Latin American Presidents who would be attending

(Ms. Irizarry)

the Iberian-American Summit in Mexico to issue a call for the definitive reintegration of Puerto Rico within Latin America as a sovereign Latin American and Caribbean people. The Conference also demanded that Puerto Rico's current subordinate political status be ended.

The First Iberian-American Summit, held in July this year at Guadalajara, Mexico, involving the attendance of all Iberian-American nations, including Spain and Portugal, did not however include Puerto Rico, which, by virtue of its political status, did not take any official part in that important event. Our colonial status hampers our international integration in all spheres - cultural, economic and political. We urge that Puerto Rico be enabled to integrate itself with full rights and on an equal footing in the international field.

This political situation makes it impossible for us to develop our own economic policy favourable to our own best interests. On the contrary, it facilitates an economic policy that makes it possible for multinational and United States companies to take out of Puerto Rico most of the profits they derive from their economic activities there. It also denies us an effective way out of our plight, which is daily becoming increasingly intolerable. This has brought about a social crisis that adversely affects our life-style and quality of life.

While the world is discarding old political regimes and economic structures and joining economic blocs so as to face the impending "new world order", which was an essential subject of the Iberian-American Summit, Puerto Rico finds itself prevented, because it is a people subjugated by the powerful Government of the United States, from taking appropriate measures to be able to integrate itself with an economic bloc that would help it to

(Ms. Irizarry)

survive and even grow economically. The Committee must not allow the rights of our people to continue to be jeopardized, and it must bring our case before the General Assembly without delay.

Ms. Irizarry withdrew.

The CHAIRMAN: I call on Mr. Martin Garcia.

At the invitation of the Chairman, Mr. Fernando Martin Garcia (Partido Independentista Puertorriqueño) took a place at the Committee table.

Mr. MARTIN GARCIA (interpretation from Spanish): My name is Fernando Martin Garcia. I am Vice-Chairman of the Partido Independentista Puertorriqueño and a senator in the Puerto Rican Legislature.

Since the adoption by this Committee of the resolution submitted by Venezuela last year, there have been important developments highly relevant to the resolution that it will be adopting at this session.

Last year, after endorsing the agreement reached by the political leaders of the three main Puerto Rican political parties demanding that the United States authorize, for the first time in its 93 years of occupation of Puerto Rico, a consultation with the Puerto Ricans on their political future and after becoming aware that in the United States Congress there was legislation under way to this end, this Committee reaffirmed the

> "inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV), and the applicability of the fundamental principles of that resolution with respect to Puerto Rico" (A/AC.109/L.1768, p. 1),

and expressed the hope that the legislative process in the United States would lead to a process conducive to the self-determination of the Puerto Rican people.

(Mr. Martin Garcia)

The Committee also exhorted

"all interested parties to co-operate so that the people of Puerto Rico may exercise without hindrance their right to self-determination with the express recognition of the people's sovereignty and full political equality, in conformity with the doctrine and practice of the United Nations" (ibid.).

Unfortunately, the legislative process in the United States Congress, which, at present by means of the territorial clause in that country's Constitution, exercises sovereignty over Puerto Rico, concluded in February of this year with the defeat of the bill on this matter in Senate committee.

(Mr. Martin Garcia)

Independent of the limited initiatives the colonial legislature can take to convince the United States Congress to reconsider the right of Puerto Rico to self-determination, a right that all three of the country's political parties agree our people has never been able to exercise, it is imperative that the international community, and in particular this Committee which is responsible for promoting the rights that resolution 1514 (XV) guarantees to all dependent Territories, declare clearly and firmly the need for the United States to resume deliberations leading to the full decolonization of Puerto Rico.

While bogged down and inactive at present, the congressional debate on Puerto Rican self-determination has generated valuable legal and political information that should be of great interest to this Committee. Of note from the legal point of view is the candid admission - almost a claim at times - by the United States Government of the colonial nature of the relationship between the United States and Puerto Rico. None other than the Attorney-General of the United States, testifying in a public meeting of the relevant Senate committee, stressed that despite the fact that the Puerto Ricans had adopted their own local Constitution in 1952, subject to approval by Congress, Puerto Rico had never ceased to be a mere possession of the United States: a non-incorporated Territory subject fully to congressional power under the territorial clause of the United States Constitution.

Although the colonial status of Puerto Rico is no secret to anyone who has always fought against that status - or to this Committee, which years ago wisely took jurisdiction in the light of that status - this admission by the United States Government should constitute conclusive evidence for those who

(Mr. Martin Garcia)

preferred in the past not to take sides in the dispute in view of the disagreement between, on the one hand, those who denounced Puerto Rico's political subordination and, on the other hand, the official position of the United States Government, that Puerto Rico had evolved beyond that status. We would like to believe that this admission by the United States Government, combined with the 1989 declaration by the three main Puerto Rican political parties that the United States Government had never consulted the people of Puerto Rico on its political future since the country was seized as booty after the Spanish-American War, and with the 1989 appeal to Congress by the President of the United States to permit the political self-determination of Puerto Rico, could be a new framework for political action dispelling the international community's doubts about the colonial relationship between Puerto Rico and the United States.

That framework is supplemented by another joint declaration issued scarcely four days ago by the chairmen of the country's three main political parties affirming that any political status option to be placed before the Puerto Rican people must be based on that people's sovereignty and on a recognition of the inalienable right of the Puerto Rican people to self-determination and that it not be subject to congressional power under the territorial clause. That declaration complements the existing consensus in Puerto Rico that from the cultural and social standpoints Puerto Rico is a Latin American and Caribbean nation with its own personality, culture and language, and that its determination to survive as a nation is not subject to deals or conditions.

(Mr. Martin Garcia)

But given the legislative failure in Congress it would be illusory to think that such a consensus in Puerto Rico and the limited legal scope of any local initiative could by themselves create the conditions required to make the United States Government fulfil its decolonization obligations completely. After all, this would not be the first time this century that a consensus in favour of decolonization in Puerto Rico has been ignored by the Washington Government of the day. The experience of the past few years cannot be ignored by this Committee or by the international community.

Yet with the Committee's assistance and with its clear, determined action free of interference or vested interests, the people of Puerto Rico could begin to feel an optimism that would have been unjustified in the past.

Owing to the changes in international relations, this is a promising year for exploring possible convergences between the interests of the United States and decolonization of Puerto Rico. It is time to encourage steps reflecting good faith and reconciliation among those who in the past have resorted to odious practices - practices that have been condemned - of harassment and persecution against the Puerto Rican independence movement over the decades. I suggest, therefore, that the Committee's resolution should urge the United States in that spirit to free Puerto Ricans who are in prison for incidents linked with the independence struggle and to carry out no further imprisonment of those who could be subject to trial.

On behalf of the rights of the Puerto Rican people, I urge the Committee to adopt a resolution reaffirming the Committee's jurisdiction over Puerto Rico by virtue of the provisions of resolution 1514 (XV), reaffirming also our people's inalienable right to self-determination and independence, taking note of the failure of United States congressional action over the past two years,

(Mr. Martin Garcia)

taking note also of the United States Government admission of Puerto Rico's political subordination, and calling on that Government to take prompt action for the complete decolonization of the Puerto Rican people, thus enabling our homeland to rejoin Latin America and the Caribbean as a sovereign nation.

Mr. Martin Garcia withdrew.

At the invitation of the Chairman, Mr. Jose Milton Soltero Ramirez (Comité de Puerto Rico ante las Naciones Unidas) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Soltero Ramirez.

Mr. SOLTERO RAMIREZ (interpretation from Spanish): My name is Jose Milton Soltero Ramirez, and I am Chairman of the Comité de Puerto Rico ante las Naciones Unidas. I am accompanied by Ms. Vanessa Ramos, who heads our United Nations Information Office on Puerto Rico.

Through you, Mr. Chairman, I extend our greetings to the Federated States of Micronesia and the Republic of the Marshall Islands, whose applications for admission as full-fledged Members of the United Nations were approved by the Security Council only a few days ago.

Since the founding of the United Nations the case of Puerto Rico has been a basic theme in the international community's struggle to decolonize the world. Our people, whose struggle for self-determination and independence goes back more than 100 years, has fought that battle on various fronts, including that of the highest decolonization forum of all, the Special Committee of 24.

Over the past year, events have testified to the value of various historic landmarks in the history of the Puerto Rican people and their struggle for independence and sovereignty.

(Mr. Soltero Ramirez)

Take, as an example, Don Pedro Albizu Campos, who validated the principle that peoples have the right to demand control over their own destiny. Consider these factors that shed light on the political situation in Puerto Rico:

With the support of the three principal Puerto Rican political parties, the United States Congress had discussed holding a plebiscite in Puerto Rico on the political future of the island, but after more than two years of consideration and analysis the plan was rejected by the United States Senate. Moreover, the United States Attorney-General, head of the Justice Department, has testified to Congress that Puerto Rico is a Territory under United States sovereignty.

These facts only underscore the colonial political status of Puerto Rico and its relationship to the metropolitan Power. The actions of Albizu Campos were not carried out in a vacuum; rather, they called attention to the humiliating plight of our people. Don Pedro said that Puerto Rico had not renounced, and would never renounce, its right to freedom and sovereignty. That message happens also to be a principle enshrined in General Assembly resolution 1514 (XV), which speaks of the inalienable right of peoples to self-determination and independence.

In today's Latin America there is a climate of pluralism and democracy, as reflected for example in the summit meeting of Ibero-American Heads of State or Government held at Guadalajara, Mexico. Against that background the colonial status of Puerto Rico stands particularly stark. Participants at the Mexico meeting highlighted the Latin-American character of Puerto Rico and, more than once, lamented the absence of our nation among them - not in our present situation but as a free and sovereign people.

(Mr. Soltero Ramirez)

Credit is due the Venezuelan Congress, which appealed to the heads of the three main parliamentary parties to take steps in the United Nations to promote the decolonization of Puerto Rico. Venezuela is thus in the vanguard of the Latin American new order.

It was my privilege to meet, in Chile, the leaders of the political parties involved in that country's national political consensus under President Patricio Aylwin. They all expressed support for the decolonization of Puerto Rico. We trust that, given its current democratic trend, the Chilean Government will join nations like Venezuela and Cuba in supporting a draft resolution that affirms the applicability of resolution 1514 (XV) to Puerto Rico.

On 5 April 1991 the Puerto Rican legislature adopted a law enshrining Spanish as the sole official language of Puerto Rico, thereby reaffirming the Latin America and Caribbean character of our people. That move was acclaimed by the international community and won for the Puerto Rican people the Spanish Government's Principe de Asturias prize.

Now, as the Latin America community is showing its determination to complete Bolivar's agenda for a united Latin America, we hope for a decolonization resolution that will remove the colonial thorn from Latin America's heart and will help us move towards a united, pluralistic, democratic Latin America free from colonialism.

I wish now to make reference to the record of oppression and harassment against those who have fought for independence and to point out that individuals remain in jail for the sole offence of fighting for the independence of their people. We therefore endorse the appeal of the

(Mr. Soltero Ramirez)

Independence Party that the Committee's draft resolution include a call for the release of our Puerto Rican compatriots from United States jails. Further, we feel the draft resolution should call for complete amnesty and for cancellation of all prosecutions against Puerto Rican nationalists now before United States courts.

Puerto Rico remains a case of colonialism, which must be loudly proclaimed to the world community -

The CHAIRMAN: I appeal to the petitioner and to all other petitioners to be brief and to limit their statements to a maximum of seven minutes. I would ask Mr. Soltero Ramirez, who has been speaking for 11 minutes, to bring his statement to a conclusion.

Mr. SOLTERO RAMIREZ (interpretation from Spanish): I accede to your request, Mr. Chairman, and would add only one paragraph.

As I was saying, the case of Puerto Rico remains a colonial situation that ought to be denounced by the international community if it is to achieve one of its prime objectives, the eradication of colonialism, from the face of the Earth. Let that serve as a tribute to the struggle for human freedom, as exemplified by that champion of anti-imperialism and anti-colonialism, Don Pedro Albizu Campos, the hundredth anniversary of whose birth we celebrate this year, and by Nelson Mandela, the present symbol of the continuing struggle for human rights and dignity.

However much the process may have evolved, no people can exercise self-determination until it has attained its sole ultimate objective - independence.

Mr. Soltero Ramirez withdrew.

At the invitation of the Chairman, Mr. Juan Mari Bras (Causa Comun Independentista) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Mari Bras.

Mr. MARI BRAS (Causa Comun Independentista) (interpretation from Spanish): Only nine years before the end of the 1990s, proclaimed by the General Assembly as the decade for the complete eradication of colonialism in the world, we once again find ourselves discussing the case of Puerto Rico in this Committee, which was set up to implement resolution 1514 (XV), the Declaration on the Granting of Independence to Colonial Countries and Peoples.

It is not surprising that Puerto Rico is one of the last instances of colonial domination still on the Special Committee's agenda. In fact, we are one of the last vestiges of colonialism anywhere in the world, though not because the Puerto Rican people wanted it that way. The complex web of our history, whose circumstances have so gravely impeded the decolonization of Puerto Rico, has become even more complex as a result of the actions and omissions of governments and bodies not appointed by popular will, but which have asserted their rule over our people on the basis of external force, not on internal rights. This is the essence of colonialism; it is a loathesome, anti-democratic system that has been repudiated by the international community.

Puerto Rico is a colony because for over 93 years the United States has exercised fundamental powers of government over our country. Since the very moment of the United States invasion of the island up to now, Washington has treated Puerto Rico as if we were an object, not a people, imposing upon it

(Mr. Mari Bras)

the so-called territorial clause of the Constitution of the United States. That clause provides that:

> "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States" (Article IV, section 3.2).

Even today, in 1991, that primitive, anti-democratic and despotic clause continues to be the only legal underpinning of United States claims to Puerto Rico. We are not the ones who are making that statement. Rather, it is the Department of Justice of the present United States Administration, in a letter dated 12 April 1991 addressed to the investigative arm of Congress, the General Accounting Office (GAO). That letter is included in the GAO report to Congress of 20 June 1991.

It is a disgrace for the people of the United States that their Government persists in claiming the right of possession over a people, particularly one that has formed and developed itself in a Territory very well defined by island frontiers throughout their 500-year history. The final elimination of the stigma of this United States claim to Puerto Rico to dispose of us as if we were a mere possession is the first, essential step to be taken by the United States as a premise to any negotiation or agreement on our country's status. There can be no question of human rights for Puerto Ricans if the international community allows us to be treated as chattel. It is impossible to assert the need to recognize our people's right to self-determination if we are not being treated as a people. And still less can one talk of democracy or political pluralism where the prevailing order is based on a constitutional clause authorizing the United States Congress to

(Mr. Mari Bras)

govern an entire country, not on the basis of the principle of that people's sovereignty, but rather in the light of the ignominious norm whereby the United States unilaterally disposes of the Territory as if we were its possession.

The right of ownership of one people over another must be prohibited without exception, without any ambiguity, equivocation or euphemisms designed to avoid offending the powerful. It would be a disgrace for the United Nations if, merely because the United States is involved, it failed to voice the indignation of the international community over this thoroughly untenable claim of ownership of a people by the United States. This is not a cold-war issue; the cold war is a thing of the past. The new international order cannot include the endorsement of colonialism when the colonial Power is the United States, because if that were the case, this would not be a new order at all; it would be the same old rotten disorder, whereby the strong impose their will on the weak.

The Puerto Rican people thus choose and demand their inalienable right to national independence. We who defend that right - and we have paid severely in terms of harassment and continuous attacks at great expense to ourselves - are the ones who have the greatest moral authority to speak on behalf of our people. And those who directly endure that persecution today, because they are in United States jails or have had to seek asylum in brotherly countries or among our people, deserve the solidarity of all the Committee members. The Committee must demand that the United States, as fundamental proof of good faith, declare an amnesty for all political prisoners and persons subject to accusations and judicial proceedings for their patriotic activity.

(Mr. Mari Bras)

As in previous years, members will hear diverse opinions, which reflect the gamut of ideas of a people that has been battered by colonialism, dependence and unemployment. Those factors determine and, to a large extent, account for some of those opinions, which will sound rather strange to you.

It is important to emphasize that, over and above all those contradictions and, even in the case of the principal spokesmen of the political parties who have been collaborating for years with the United States territorial regime, in the last few days we have heard them oppose the application of the territorial clause to Puerto Rico. This gives members some idea of just how outrageous is the United States claim to continue to consider us as its own possession. This is the beginning of the general rebellion of our people, which must be liberated from colonialism like all other peoples of the world.

In 1991 we are celebrating the one-hundredth anniversary of the birth of the most illustrious Puerto Rican of the century, Pedro Albizu Campos, the founder and supreme leader of revolutionary nationalism, who gathered around him the strongest willed, most talented and brightest of our people. Albizu, in his life and work, was a living and immortal example of the determination of the Puerto Rican people to claim their fatherland and independence.

(Mr. Mari Bras)

In the year of his hundredth anniversary, the Puerto Rican people is beginning to show that it is arriving at a common view of the supreme definition prophetically uttered by the master for his people. When the colonial legislature adopts a law making Spanish the sole official language of Puerto Rico; when even colonial politicians demand cessation of the application of the United States territorial clause; when our Caribbean and Latin American status is affirmed at the Ibero-American Summit held in Guadalajara, Mexico; when an official commission composed of the three main political parties of Venezuela comes here to declare its support for the decolonization of Puerto Rico, and when every voice converges to form a powerful chorus upholding our being and our determination for national sovereignty, we are approaching Albizu's definition, which will be the best tribute we can offer on his hundredth anniversary, whether Yankees or Puerto Ricans. And I have no doubt that the choice will be what it must be: to be Puerto Rican.

Mr. Mari Bras withdrew.

At the invitation of the Chairman, Mr. Carlos Gallisa (Partido Socialista Puertorriqueño) took a place at the Committee table.

The CHAIRMAN: Before calling on the next speaker, I appeal to him to shorten the text which he has presented to us. I call on Mr. Gallisa.

Mr. GALLISA (interpretation from Spanish): My name is Carlos Gallisa; I am appearing here as the Secretary-General of the Puerto Rican Socialist Party.

Last 25 July was the ninety-third anniversary of United States colonial domination of our homeland, Puerto Rico. International initiatives favouring a new world order of justice and peace are currently making more urgent, imperative and necessary than ever before that an end be put to this dreadful

(Mr. Gallisa)

colonial situation. As in other colonial cases, for almost a century the colonialist Power has hindered the self-determination of the people of Puerto Rico, exploiting its natural and human resources and systematically repressing advocates of independence. After achieving its objective of the decolonization of Namibia, the United Nations should place at the top of its agenda the question of guaranteeing self-determination for the almost 6 million Puerto Ricans located in our national territory and in the United States.

As may be recalled, the Special Committee took note in last year's resolution of the United States Government's initiative to consult the Puerto Rican people respecting its political future. I believe it important to bring to members' attention the past year's developments concerning the announced plebiscite, which was announced in January 1989 by the United States and the colonial Government, with the express purpose of resolving the political status problem of Puerto Rico. From the very beginning, some pro-independence forces, including my own party, warned that a plebiscite not governed by minimum requirements, such as recognition of the colonial problem of Puerto Rico, a willingness on the part of the United States to yield its sovereignty over the island and the application of pertinent international legislation, would have no validity whatsoever.

The process set in motion with that announcement not only fails to comply with these minimum requirements, but also reveals the United States Government's intent to control and shape in conformity with its interests and to govern and arbitrate what was to have been a serious exercise in self-determination on the part of the Puerto Rican people.

(Mr. Gallisa)

The result of this process has been that the United States Government has refused to accept its responsibility as a colonial Power. It claimed to play the role of arbiter among the parties and various political movements in Puerto Rico. In the course of these days the Committee will hear some who will try to place responsibility on the United States Congress and to portray President Bush as a man who has done his best to guarantee the right of the Puerto Rican people to self-determination, but failing in face of the refusal of the United States Congress. That will be said in an attempt to save face for President Bush and blame Congress. But it is a falsehood. The United States Government is a whole, and responsibility is borne by both the Executive and Legislative Branches. Primary responsibility is borne by Congressional leaders and the White House alike. In that connection, I shall be circulating to members of the Committee a letter from Senator Bennett Johnston, in which he places responsibility for the non-exercise of the right of self-determination by the Puerto Rican people on Puerto Rican political parties. That also is a falsehood.

This process has undermined the efforts of participating Puerto Rican political parties that attempted to have their interests heeded. The various United States sectors having interests in Puerto Rico, unable to reach agreement on a new policy for Puerto Rico, thus favoured those who would prefer to see Puerto Rico's present status remain unaltered: the multinationals known as the 936 corporations, which enjoy broad tax exemptions in Puerto Rico, and the United States Department of Defense. The United States Government, including all its branches, pretended that it would carry out a democratic decolonization consultation process, when in reality it was merely repeating the deceit practised on the international community in the 1950s. However, both President Bush and the colonial authorities in

(Mr. Gallisa)

Puerto Rico have had to accept the fact that the Puerto Rican people has never exercised its right to self-determination, contrary to what for many years has been repeatedly asserted in this forum.

The intervention of the Bush Administration's Executive Branch in the hearings made it even harder to define a new policy on Puerto Rico. The testimony of Attorney-General Dick Thornburgh on behalf of the Bush Administration before the Senate Committee ripped to pieces the proposed legislation.

The plebiscite initiative has failed, although some United States and Puerto Rican political leaders refuse to accept the fact. Nevertheless the plebiscite discussion process, especially the interventions of Attorney-General Thornburgh, served to allow the United States to reaffirm its position, placing the issue of Puerto Rico in the context of the territorial clause of the United States Constitution, which decrees that

> "Congress shall have power to... make all needful rules and regulations respecting the territory or other property belonging to the United States...". (Constitution of the United States, Article IV, section 3).

Mr. Thornburgh was categorical in pointing out that, according to the United States Constitution, any area under United States sovereignty that is not a state is a territory governed by the United States Congress under the territorial clause; there is no constitutional loophole.

(Mr. Gallisa)

The Bush Administration was also opposed to status definitions in the bill that could be interpreted as binding on Congress. It warned against definitions that would have no possibility whatsoever of being adopted and others that were unconstitutional. It emphasized that the United States Congress had no legal or moral obligation to introduce without changes a status option that might win the majority in a plebiscite.

No doubt the status drafts conceived by the Puerto Rican parties were radically altered by both Congress and the Administration, while the Executive Branch consistently reserved its power of veto in the event that it might disagree with the adopted legislation. This Committee should also know that in the last 50 years all efforts by Washington and the colonial Government to deal with the Puerto Rican problem have failed, including Presidential commissions, Congressional bills, plebiscites, affiliation with parties of the United States, as well as commitments by Presidential candidates.

All those efforts and initiatives have one thing in common that, in our view, was the main reason for their failure: they took place in the context of the subordination of the Puerto Rican people, a situation in which Washington's interests have been imposed and self-determination for our people has been denied. This Committee should uphold and identify with the demand for an end to political persecution and violation of human rights in Puerto Rico. Together with the other petitioners we demand the immediate and unconditional release of all Puerto Ricans imprisoned for actions motivated by their pro-independence convictions, and that amnesty be granted to all those who are to undergo trial for similar reasons.

For this reason, we come before this Committee to ask for the adoption of a resolution that will ratify the traditional position of the Committee on the colonial status of Puerto Rico.

The CHAIRMAN: The Chair would like once again to ask all the petitioners to shorten their statements. The last statement took almost 12 minutes.

Mr. Gallisa withdrew.

At the invitation of the Chairman, Mr. Bill Felice, International League for the Rights and Liberation of Peoples, took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Bill Felice.

Mr. FELICE: I speak today as a representative of the International League for the Rights and Liberation of Peoples, an NGO on consultative status with ECOSOC. The League has long been involved with issues surrounding Puerto Rico and the status of Puerto Rican political prisoners illegally held in the United States. In this brief statement, I would like to call your attention to the results of a session of the Permanent Peoples' Tribunal, organized by the Puerto Rican chapter of the International League.

The Permanent Peoples' Tribunal established itself as a permanent structure following the highly successful sessions of the Bertrand Russell Tribunals of the late 1960s, which cast light upon the war crimes associated with the United States intervention in Viet Nam. Russell Tribunal II on Latin America focused on human rights abuses in that area. The Permanent Peoples' Tribunal was organized as a forum where the world's peoples could present their cases under international law and appeal to international public opinion.

The Tribunal convened its session on Puerto Rico in the city of Barcelona, Spain, on 27 January 1989. For two days those who presented evidence on behalf of the Puerto Rican people relied upon the authority of international law and the United Nations, as well as upon the Universal Declaration of the Rights of Peoples and the United States Constitution. The evidence presented revealed almost 90 years of systematic and severe violation

(Mr. Felice)

of the most basic rights of the Puerto Rican people by the United States. I have submitted copies of the verdict of the Tribunal to representatives of this Committee, which I very much hope they will study.

In its verdict, it documents the elaborate steps that the United States has taken to confuse world public opinion as to the character of Puerto Rico's political, economic, social and cultural status. I would like to focus on just two aspects of the Puerto Rican situation that are documented in this verdict: the question of colonial status itself, and the criminalization and persecution of the opponents of Puerto Rico's colonial status.

First, briefly, on the question of colonial status - as other speakers have already stated - from the outset the United States possession of Puerto Rico was unambiguously colonial. The United States obtained Puerto Rico as a result of the war with Spain in 1898 and in all respects the history of Puerto Rico since then has been one of separate development. It relies upon Spanish as its primary language. Its cultural heritage is Caribbean and Spanish. Its sense of political and cultural identity is definitely Latin in character. And despite a variety of intense efforts to promote the Americanization of Puerto Rico over the period since 1898, the Island retains its distinct character.

Other speakers have pointed to General Assembly resolution 1514 (XV) adopted in 1960. This resolution linked colonial status to the denial of collective rights under international law. By the mid-1960s, there was no longer any serious doubt that the maintenance of colonial status for a people living within a distinct Territory was a violation of customary international law.

(Mr. Felice)

In response to that, as the verdict makes clear, the United States Government instituted a series of manoeuvres designed to retain the substance of colonial administration while manipulating the outward forms to take account of the shifting climate in the international legal and moral political climate. For example, a calculated evasion of colonial status was the reclassification of Puerto Rico as a "Free Associated State" or "Commonwealth" in 1951 by passage in the United States Congress of Law 600, which replaced earlier arrangements.

Evidence that was submitted to the Tribunal in Spain showed very clearly that Puerto Rico had less independent authority under ELA - Commonwealth - status than it had enjoyed in the final phases of Spanish colonial rule. ELA was a cynical tactic devised in Washington to circumvent the pressures of the anti-colonial movement, especially in relation to the United Nations drive to hasten decolonization. Elections held under the auspices of a colonial administration have failed to meet any basic internationally accepted democratic standards. Today, leaders of all political parties in Puerto Rico agree that the people of Puerto Rico have never been genuinely consulted regarding their preferred status, a circumstance conceded now by the United States Government.

Finally, I would just like briefly to highlight a second aspect of the Tribunal's verdict, which is the criminalization and persecution of opponents of Puerto Rico's colonial status. Persecution of Puerto Rican activists has been continuous since the 1930s through COINTELPRO in the 1960s and has been well documented. In the recent period, there has been a more violent and pervasive strategy of counter-insurgency to which I should like to call the Committee's attention. This involves the criminalization, in some cases the physical elimination, of independence activists. Expanded police and judicial

(Mr. Felice)

powers are being used to spy upon, criminalize and imprison militant supporters of independence. Today, 18 Puerto Rican men and women, anti-colonial combatants, have been convicted of opposing the United States authority over Puerto Rico. Fifteen of them have asserted their right to prisoner-of-war status under international law, while three assert the status of political prisoner. These individuals are serving draconian prison sentences of between 35 to 90 years, and have been subjected to particularly inhumane conditions of isolation and selective punishment. Twelve other activists face long prison sentences. They are currently awaiting criminal trials in the United States before non-Puerto Rican juries, in Hartford, Connecticut.

The Permanent Peoples' Tribunal is convinced that Puerto Rican nationalists deserve to be treated as political prisoners and given protection as "prisoners of war" in accordance with the Geneva Conventions of 1949 and the Geneva Protocols of 1977. As such, all Puerto Rican political figures currently in custody should be released forthwith or, at minimum, should be sent into exile in a country whose Government is prepared to grant asylum.

We call these matters to the attention of this Committee, and in the final page of the statement that I have submitted are five specific recommendations that we urge the Committee to adopt.

Mr. Felice withdrew.

At the invitation of the Chairman, Ms. Linda Bakiel (Center for Constitutional Rights) took a place at the Committee table.

The CHAIRMAN: I call on Ms. Linda Bakiel.

Ms. BAKIEL: Representing the Center for Constitutional Rights and the Instituto Puertorriqueño de Derechos Civiles today are Mr. Jose Luis Morin and myself, Linda Bakiel.

We direct the attention of members to two significant developments since the Committee's last session. The first is the unilateral rejection by the United States of the so-called plebiscite legislation. The second is the Puerto Rican people's affirmation that it is a distinct nation, in fact if not in law, by establishing Spanish as its only official language.

Just one year ago this Committee was told that legislation pending in the United States Congress would provide for a referendum on the political status of Puerto Rico. While Puerto Rican organizations differed about which status offered the best hope for the future, they were unanimous in their demand that colonialism be abolished and determined to proceed with the long-overdue process of self-determination - to no avail.

Even the most schematic status legislation was rejected by the United States Congress. At hearings held in the Senate subsequent to those held here last summer, Attorney-General Richard Thornburgh admitted that

"It is inconsistent for us to applaud the movements toward freedom in Eastern Europe, Latin America and elsewhere while refusing to grant our own citizens the right of self-determination".

But even has he spoke he argued that the United States Constitution, which contains a clause permitting the acquisition of territories, did not

(Ms. Bakiel)

permit the United States to be bound by any choice of status made by the people of Puerto Rico. The Center for Constitutional Rights and the Instituto Puertorriqueño de Derechos Civiles submit that such interpretations of the Constitution are an affront to the genius and spirit of a living Constitution forged in an anti-colonial revolution. None the less, Attorney-General Thornburgh insisted that it is constitutionally impossible for Congress to give the people of Puerto Rico fully and freely to determine their own destiny. The most they could do, as residents of an unincorporated Territory, is to express a preference for one of the three traditional status options. That choice, however, could not create any - and here I quote Attorney-General Thornburgh - "legal or even moral obligation" on the part of the United States Congress to enact that status as defined in a popular referendum.

Such a reading of the United States Constitution places it in direct conflict with international law on decolonization. When such conflicts between domestic and international law develop, international law, especially with regard to colonialism, must prevail, a proposition of law the United States Government refuses as a matter of principle to admit.

In contrast to the failure to act on Puerto Rico's colonial status in Washington was the unambiguous affirmation of the de facto existence of a Puerto Rican nation in San Juan: a law establishing Spanish as the one and only official language of Puerto Rico. As a result of a law enacted four years after the military invasion and occupation of Puerto Rico, both English and Spanish had been designated as official languages. English is not, and never has been, the language of the Puerto Rican people. It is the language of repression and colonial courts. It is the language of foreign customs and

(Ms. Bakiel)

beliefs imposed by military invaders and profiteers. It is the language of corporations that come to take advantage of cheap labour and that leave a devastated environment, and of armies that turn the jewel-like islands of Vieques and Culebra into bombing targets and training grounds for launching invasions against Caribbean and Central American neighbours. It has never been the language of the home, the street, the church and the marketplace.

This reality collides with trends in the law and life of the United States, which overtly or covertly legitimize discrimination against the rapidly growing minorities forced from Puerto Rico or Mexico, Africa or South-East Asia by a new global economy and old patterns of colonial domination. One example of that trend is the strong movement in the United States to have English declared its only and official language. Another is the increasing poverty of, and economic discrimination against, Spanish-speaking people, especially Puerto Ricans.

According to the Supreme Court opinion relied upon by Attorney-General Thornburgh to explain Puerto Rico's current non-incorporated status, Congress should move cautiously when considering changing the juridical status of Puerto Rico lest, in the words of the United States Supreme Court,

> "Their children thereafter born, whether savages or civilized, [be] ... entitled to all the rights, privileges and immunities of citizens. If such be their status, the consequences will be extremely serious".

The political wisdom of refusing to assimilate a people with "foreign ... habits, traditions and modes of life" is as obvious today as was its racism in 1901, when the Supreme Court created the doctrine of unincorporated Territories. Nations are not assimilated without violence, for such assimilation is a form of genocide.

(Ms. Bakiel)

The Puerto Rican people today is a nation in peril. It is a people condemned to the forced migration of one third of its population, the forced sterilization of at least the same proportion of its women and levels of poverty, misery and social decay shocking to residents of all but the ghettos and barrios of the United States. They cannot be patient forever and hope to survive.

If the United States truly intends to comply with the Declaration on the Granting of Independence to Colonial Countries and Peoples, it must renounce nineteenth-century apologies for colonialism and forge a completely new policy with regard to Puerto Rico. As the Government of South Africa realized with respect to apartheid, one prerequisite for and signal of an intention to decolonize would be to grant an unconditional amnesty to the nearly two dozen Puerto Rican men and women who are being held as political prisoners in the United States or subject to prosecution for their participation in the anti-colonial struggle. Without such concrete gestures of a real intention to reject the policies that have caused and are causing so much human misery and to divest itself of its colony, neither the people of Puerto Rico nor the international community have any reason to trust that the United States will cooperate with efforts to abolish this crime against humanity from the face of the Earth.

This Committee is the only forum in the world where the people of Puerto Rico can plead their case for the full application of international law against a mighty colonial Power. The Center for Constitutional Rights and the Instituto Puertorriqueño de Derechos Civiles urge it to take the strongest measures available, to send a clear and unequivocal message on behalf of the

(Ms. Bakiel)

international community to the effect that no great Power, no possessor of colonies should be allowed to threaten the peace and security of the world by insisting upon holding fast to Territories and colonies acquired prior to the Universal Declaration of Human Rights and the founding articles of the United Nations. The wisdom reflected in those documents, acquired at the terrible price of two world wars, must not be thrown away for reasons of political or economic expediency or of base racism. The people of Puerto Rico implore and trust this Committee to send that message to the United States and to help them restore the most basic of their human rights: the right of self-determination.

Ms. Bakiel withdrew.

At the invitation of the Chairman, Mr. Ronald Fernandez (Justice for Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I call on Mr. Ronald Fernandez.

Mr. FERNANDEZ: My name is Ronald Fernandez and I represent an organization called Justice for Puerto Rico. In the course of my remarks I will make refernence to a number of possibly controversial United States Government documents. Copies of those documents are attached to the printed text of my statement.

While debating a 1943 bill for Puerto Rican independence, Senator Millard Tydings said this:

> "The arrangement between the United States and Puerto Rico is one of the most unsatisfactory relationships between two Governments that I have ever encountered on the face of the Earth".

(Mr. Fernandez)

Senator Tydings knew what he was talking about. For example, after passage of the Jones Bill President Wilson, welcoming new citizens, sent this message to the Puerto Rican people:

"We welcome the new citizen, not as a stranger, but as one entering his father's house".

Paternalism has always been an integral part of North American rule, and so, too, an affirmation of self-determination that is simultaneously denied. In 1945, 57 per cent of Puerto Rico's elected representatives told the United States Congress they wanted independence. They also wanted a plebiscite, but American officials told them they could only choose from a status list provided by Congress. Statehood and independence were not on the list, so Puerto Rico's Governor, Rexford Tugwell, said this:

"I do not see how we Americans can get out of the dilemma we are in. We are holding on to Puerto Rico without the express consent of its 2 million people. That is no position for an American to find himself in".

Obviously not. But Tugwell and President Truman resolved the dilemma by denying islanders a plebiscite because, as President Truman noted,

"If the (status) plan thus selected should not be acceptable to Congress, it could then be argued that the United States was not keeping faith with the expressed will of the people of Puerto Rico".

So President Truman kept faith with the will of the Puerto Rican people by not allowing them to express it.

In 1952, Puerto Rico became a Commonwealth. Advocates of this status said it eliminated colonialisms. The only problem with this contention was the overwhelming body of public and private documents which proved - and I

(Mr. Fernandez)

stress "proved" - that Puerto Rico was still a colony. Congressman Fred Crawford, an architect of Commonwealth, publicly explained its political significance in this manner:

> "At no time have I ever thought Puerto Rico could support statehood. Certainly Puerto Rico cannot support any type of independence. But Puerto Rico can be a colonial possession and have a great deal to say about her own government under which the Puerto Ricans live".

In 1963, while the President considered another Puerto Rican plebiscite, Congressmen approvingly quoted the words spoken by Fred Crawford in 1950. Governor Muñoz was told that

> "all this commonwealth that you keep talking about ... are things which have been built up under your administration and have not been the intention of Congress ...".

Muñoz answered in this manner:

> "If Fred Crawford was right, then Puerto Rico is still a colony of the United States".

Of course Fred Crawford was right, but in an effort to deny the obvious Lyndon Johnson followed the lead of Harry Johnson. He proclaimed his commitment to self-determination but foreclosed options before Puerto Ricans had a chance to vote on them. In one of the memos attached to this statement, the Committee will see that the Johnson Administration notes, in June 1964, that "the statehood alternative does not seem anywhere feasible at this point", but it had to be included in the plebiscite "for political reasons". And independence had to be included "to offset charges of colonialism made by [Fidel] Castro ...".

(Mr. Fernandez)

So the Johnson Administration put members of the Congress on the Commission that shaped the 1967 plebiscite. As the memo notes, in this manner the Commission would know "what was acceptable to Congress and how to present it".

Thus, as in 1946, in 1964 Puerto Ricans had a right to self-determination - as long as Congress first determined what the Puerto Ricans would determine.

In 1975 President Gerald Ford analysed the possibilities of "enhancing" Commonwealth status. One reason he refused to do so was advice from the Department of the Interior. Officials stressed that in approving Puerto Rico's 1952 Constitution,

> "Congress could not and did not abdicate its constitutional authority; Puerto Rico remained a United States territory subject to Congress' power ...".

And, yes, this is an exact quote:

> "The argument can be made by the Ford Administration that this is continued colonialism, but we do not believe that the [United States] constitutional mechanism exists to do more".

The President agreed, and then he added objections of his own:

> "My most serious objections arise from several features of the Compact which would create a relationship between Puerto Rico and the United States in which Puerto Rico would enjoy certain attributes normally associated with sovereign nations ...".

This was out of the question. So President Ford reluctantly reaffirmed continued colonialism as United States policy.

The Carter Administration outdid all its predecessors. In 1977, Zbigniew Brzezinski wrote a White House memo noting that

(Mr. Fernandez)

"the free associated state may in fact be a contradiction in terms; at best the relationship is awkward and ambiguous".

Moreover, to many countries

"Puerto Rico's peculiar relationship with the United States doubtless is suggestive of a special variety of neo-colonialism".

What did the Carter Administration do about neo-colonialism? Well, it tried to disregard plebiscite tampering charges that it knew to be true. In preparation for 1978 United Nations hearings, the Carter Administration authorized an analysis of Federal Bureau of Investigation (FBI) documents. The summary of that study of the 1960s indicated that what Jimmy Carter had was

"a record of hanky-panky ... . What is most damaging is the FBI swashbuckling at the time of the plebiscite" - "Is that self-determination?", the memo asks - "and even at the time of the 1968 general election".

Thus, President Carter's response to a proven decade of hanky panky was once again to broadcast America's commitment to self-determination, while simultaneously refusing to rectify a clear contradiction: that FBI interference had erased any legitimacy that could be attached to the plebiscite that was America's primary proof that Puerto Ricans were free to determine their own destiny.

In May of 1990, discussing House passage of yet another plebiscite bill, Representative Udall stressed that

"while we can assure through this legislation that a winning status will be considered by both Houses of Congress, we cannot assure enactment or that the bill will be what the winning political party would prefer".

(Mr. Fernandez)

Give Udall this: he was not a hypocrite. He clearly indicated who determined what and he thus made a mockery of President Bush's and Congress' repeated protestations that the Puerto Rican people were free to choose whatever political status they wanted. They were free to take what Congress offered. That and nothing more. Or, as Attorney-General Thornburgh put it in February 1991,

> "We consider it imperative that it be made clear beyond peradventure that the Commonwealth is and must remain under the sovereignty of the United States".

One last point. Less than two months ago a United States Government report suggested that committees stop using the word "possession" to refer to Puerto Rico. The Department of the Interior suggested "synonyms", like territory or commonwealth because they were "less demeaning" to America's insular areas.

The United States Government can use whatever "synonyms" it wants, but the reality of Puerto Rico's relationship with the United States is a century-long constant: it was a colony in 1900, a colony in 1952, and it is a colony on 12 August 1991.

Perhaps the Special Committee alone has the power to initiate change because, as the attached memos from United States presidential libraries prove, the United States of America is dreadfully afraid of this Committee. Administration officials panic each year because they worry that you will force them to resolve a terrible contradiction. The United States of America, arguably the oldest representative democracy on Earth, also owns Puerto Rico, unquestionably the oldest colony on Earth,

(Mr. Fernandez)

I hope the Committee will obtain justice for Puerto Rico, and I thank you for your attention and consideration.

Mr. Fernandez withdrew.

At the invitation of the Chairman, Mr. John F. Alleman (Option Independence) took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Alleman.

Mr. ALLEMAN: We have come here today from Alaska to deliver a message to the Special Committee on decolonization.

We wish to provide information beneficial to the self-determination process that Puerto Rico has initiated. This information is intended to help prevent Puerto Rico from entering into a situation purporting to terminate its colonial status but which instead would result in a deepening dependency and subjugation.

Such is the case with Alaska, and Alaskans will soon request that they be returned to the list of Non-Self-Governing Territories so that our peoples can truly exercise their right to self-determination.

(Mr. Alleman)

The United States of America was formed at a time when Europeans were very active in spreading their influence throughout the world. One objective of this European movement was to proclaim constitutional governments. In North America the 13 British colonies first formed a federation and then later organized the beginning of what are now the 50 United States of America. One of the features of the Constitution was the formation of one people from the many peoples in North America, e pluribus unum, one composed of many. This, of course, requires a commonality of goals, values and political, economic and educational systems. However, peoples are still prone to cling together and retain vestiges of their heritages. They congregate in places called ghettos, reservations, neighbourhoods, plantations, villages or even colonies.

The drafters of the Constitution of the United States of America aspired to divine guidance, and were confident that they had written a set of rules that would correct the mistakes inherent in other governments and, as stated in the preamble, would "secure the blessings of liberty to ourselves and our posterity."

"People" is defined as a body of persons that are united by a common culture, tradition or sense of kinship, that typically have common language, institutions and beliefs, and that often constitute a politically organized group. There are debates now in the United States of America and much of the rest of the world over whether to become one people or continue being many peoples. The Constitution of the United States of America as applied at this time leaves no room for a multiplicity of peoples. This, in combination with the interpretation being given to human rights is bringing the end of privacy and peoples in the 50 states.

(Mr. Alleman)

The League of Nations spoke of granting independence to colonial countries and peoples, and this goal was adopted by the United Nations as the paramount aim of the Special Committee on Decolonization. However, it is prohibited by the Constitutions of both the United States of America and Alaska. Those Constitutions are directed towards the formation of melting pots.

The requirement stated by the United States in the case of Alaska, and now in the case of Puerto Rico, is that these proposed Constitutions must be compatible with the United States Constitution, and must be approved by the Government of the United States. That procedure can hardly be considered self-determination. I now quote article VIII of the Helsinki Final Act:

"Equal rights and self-determination of peoples.

"The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

"By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

"The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle."

(Mr. Alleman)

We must establish the struggle for human rights as part of the struggle for the rights of peoples, distinguishing social structures that generate violations of these rights from those that can contribute to the deliverance from all types of domination, that can contribute to the development of justice and peace and to respect for the individual and social rights of all people.

The struggle for human rights carries over in the third world into the struggles of oppressed peoples for their liberation from colonialism, external and internal, from poverty, hunger, illiteracy and the inequalities between privileged minorities and marginally surviving majorities.

The conditions that are common to Puerto Rico and Alaska are as follows: cyclical unemployment that fosters depression and dependence and breaks up families; excessive alcohol and drug use as a response to depression and loss of self-respect; inefficient, ineffective and unresponsive educational systems that function as benefits to the teachers, and not to the students and parents; crime and corruption at all levels of Government, which prevents adequate and suitable governance; general feelings of insecurity and uselessness; a system of tourism that grants excessive influence to foreign groups; military establishments that intimidate and subjugate; welfare systems and other arrangements that encourage dependence and discourage independence.

We strongly endorse the concluding paragraph of Raul Serrano-Geyls: only a patriotic movement, led by inspired, well-trained leaders can bring our society to its senses. Only patriotism can teach our people that we can live within our modest means, have pride in our achievements and build a stable, democratic and decent society. That will never be accomplished if we continue forever to be wards of the United States. Only independence can give us the means to achieve our national goals.

(Mr. Alleman)

This statement applies to Alaska as well as to Puerto Rico.

Mr. Alleman withdrew.

At the invitation of the Chairman, Mr. Rafael Soltero Peralta, Gran Logia Nacional de Puerto Rico, took a place at the Committee table.

The CHAIRMAN: I call on Mr. Soltero Peralta.

Mr. SOLTERO PERALTA (Gran Logia Nacional de Puerto Rico) (interpretation from Spanish): The Gran Logia Nacional de Puerto Rico is a civic, non-partisan, non-sectarian organization dedicated to the quest for truth, and aims to act in accordance with it. It is a Masonic institution affiliated with the international Masonic movement. Its status is recognized by the laws of our country.

The Gran Logia Nacional now solemnly declares that this is the background giving rise to the Special Committee decision of 14 August 1991. First, in 1960 the General Assembly adopted its historic resoltuion 1514 (XV). Since that time, Puerto Rico has been engaged in the decolonization process. This Committee has exhaustively investigated and studied the political, economic, social, ethnic and cultural facts of the case. Moreover, it has adopted a relevant resolution annually.

Secondly, in 1972 the Committee assumed full jurisiction over the case of Puerto Rico, declaring it to be essentially of a colonial nature under international law and the rules of the General Assembly. However, acting irresponsibly, the representatives of the United States to the United Nations have persistently refused, year after year, to acknowledge that colonial reality, falsely claiming that Puerto Rico had been exercising its right to self-determination since 1952.

(Mr. Soltera Peralta)

Thirdly, in order to lend an air of legitimacy to this claim, the United States Government brought maximum pressure to bear so that the General Assembly would adopt - as, in fact, it did adopt in November 1953 - a resolution "recognizing" that Puerto Rico had been exercising its right to self-determination since by a majority it had approved a plebiscite, the Federal Law of Relations, creating a Commonwealth status. But as the Committee of 24 has seen beyond any doubt, the United States Government continues to exercise over Puerto Rico all essential powers of sovereignty, as it has done ever since it occupied Puerto Rico by force in 1898. Our local government enjoys but minimum concessions within its internal régime.

Fourthly, by its 1978 resolution, the Committee urged the United States Government

"to withdraw from Puerto Rican territory all its officials, equipment and instruments of authority."

installed in the Island and allow the Puerto Rican people to exercise their inalienable right to self-determination and independence as called for in General Assembly resolution 1514 (XV). In this way, the Committee has yearly continued to reassert the colonial status in which the Government in Washington, D.C. has kept us.

Given this fact, even members of the United States Congress, pretigious intellectuals and a presidential candidate of this country have publicly recognized the legal obligation of the United States to transfer to Puerto Rico all powers of sovereignty under international law, as a prerequisite for valid and effective self-determination. They have thereby pronounced themselves as defenders of the Puerto Rico's right to free itself from colonialism. But the United States has still done nothing to decolonize Puerto Rico.

(Mr. Soltera Peralta)

With reference to the Committee's decision in August 1990, on 15 August 1990, after appropriate hearings, the Special Committee:

- Reaffirmed the inalienable right of the people of Puerto Rico to self-determination and independence, in conformity with General Assembly resolution 1514 (XV), and the applicability of the fundamental principles of that resolution with respect to Puerto Rico;

- Expressed its hope, and that of the international community, that in accordance with the best interests of the people of Puerto Rico the dialogue should continue and that legal measures should be adopted which will bring to a successful conclusion, as soon as possible, a process leading to the self-determination of the Puerto Rican people;

- Urged all interested parties to co-operate so that the people of Puerto Rico may exercise without hindrance their right to self-determination with the express recognition of the people's sovereignty and full political equality, in conformity with the doctrine and practice of the United Nations.

After those decisions, the Committee requested the Rapporteur to report to the Special Committee on the implementation of its resolutions concerning Puerto Rico and decided to keep the question of Puerto Rico under continuing review.

One year after adoption of the resolution, Puerto Rico is today the sole surviving colony, despite its high level of cultural development. Among its assets are its pronounced sense of nationality, its distinctive national language, its unquestioned identity as a Latin American people, and a record of strenuous resistance to United States colonial rule dating back more than 93 years.

(Mr. Soltera Peralta)

The attempt by the heads of the political parties to hold a plebiscite to resolve the problem of status with the consent of the United States was in vain. It is still nothing more than a game for the United States Government. Besides, why should one talk about a plebiscite now, when all that is necessary is a law passed by Congress and ratified by the Executive to recognize full sovereignty for the Puerto Rican people and its power to choose between independence in association or independence with agreements of mutual advantage?

The Gran Logia National de Puerto Rico therefore requests that the Committee adopt a resolution that would require the United States Government to put an end, without further delay or excuses, to the colonial status of the Puerto Rican nation.

The resolution should specify that it would be a crime against mankind to continue to postpone necessary political legal action to bring Puerto Rico to full sovereignty in control of its destiny in conformity with the 1990 resolution, which endorsed the Venezuela resolutions of 1987 and 1988.

The resolution should also recognize the right and power of Puerto Rico to negotiate with the United States and other nations the conditions that will enable it to exercise full sovereignty and control over its own destiny.

The resolution should state that, if the United States does not comply with the mandate of the Special Committee, the colonial status of Puerto Rico should be transferred forthwith to the General Assembly for action in accordance with international law.

I thank you all. May God, the great architect of the universe, help us all.

Mr. Soltera Peralta withdrew.

At the invitation of the Chairman, Mr. Freddy Velez Garcia (Centro de Estudios Estadistas de Puerto Rico) took a place at the Committee table.

The CHAIRMAN: I now call on Mr. Velez Garcia.

Mr. VELEZ GARCIA (interpretation from Spanish): My name is Freddy Velez Garcia, and I am appearing before this Committee as the Executive Director of the Centro de Estudios Estadistas de Puerto Rico, an organization founded in 1988 by a group of young professionals with the purpose of preparing studies and publications that would strengthen the effort to provide guidance to the Puerto Rican people concerning the benefits of Federal statehood, a legitimate and worthy option, as a way of freeing the Puerto Rican people from colonialism.

In the past the United Nations recognized the statehood formula as an alternative form of decolonization. It did so on 12 December 1959 in adopting resolution 1469 (XIV), when it formally took note of admission of the colonies of Alaska and Hawaii as the forty-ninth and fiftieth states of the United States of America; it also recognized it when it included the alternative to political integration in its resolution 1514 (XV), adopted on 15 December 1960.

Pursuant to resolution 1469 (XIV), the United Nations recognized the process of integration of those territories, Alaska and Hawaii, as members of the United States of America. That resolution stipulates that the peoples of Alaska and Hawaii had effectively exercised their right to self-determination. It expressly recognized that the people of those entities had attained a full measure of self-government and expressed the opinion that the declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter could no longer be applied to Alaska and Hawaii.

(Mr. Vélez Garcia)

This Organization accepted the process that led to the admission of Alaska and Hawaii, which was essentially that of holding a referendum on "Statehood Yes or No". In that referendum all the advocates and opponents of the statehood formula had the opportunity to align themselves with one of the two alternatives presented, that is, to vote yes or no.

This first referendum vote was followed by a process of negotiation with the Congress of the United States, which in its turn was followed by a second ratifying vote that was in fact another referendum on "Statehood Yes or No". This same type of process is ratified by the United Nations in resolution 1469 (XIV), and it is currently being presented as a viable alternative with a view to solving the problem of colonialism besetting the people of Puerto Rico by means of integrating the Island as a sovereign state of the United States of America.

Possibly the majority of our people, and definitely a substantial majority of the generation that I represent - those Puerto Ricans who have never been consulted concerning our future political status - support statehood for Puerto Rico. We are desirous of having that same opportunity of expressing ourselves with regard to our future, of voting 'yes' in such a referendum, of going to the United States Congress with that majority statehood mandate to negotiate with the colonial Power, not as a colony, but rather as the embryo State that that electoral result would engender.

I should like to note that independent public surveys recently held in Puerto Rico confirm that 65 per cent of the Puerto Rican voters who were consulted wish to exercise their right to self-determination as early as possible. The United Nations has a role to play in this process. First, it can and should repeal resolution 748 (VIII) in order to ensure that the United

(Mr. Vélez Garcia)

States of America assumes full responsibility for the colonial status in which we are now languishing. Puerto Rico is currently under the sovereignty of the United States Congress pursuant to the territorial clause of that country's Constitution. If this were not the case, the question is: Why would we be here?

Secondly, any resolution adopted by this body can and should declare to the people of Puerto Rico what are the alternative forms of decolonization that they have before them by means of a process of self-determination in keeping with resolution 1514 (XV). The reaffirmation of these alternative forms of independence - independence, commonwealth and statehood - will support the process of decolonization that has already begun between Puerto Rico and the United States of America. If it failed to include the colony, that is, the Commonwealth, as an alternative, it would be educating those Puerto Ricans who do not yet admit that the present political relationship is colonial in nature.

Thirdly, it could and should urge the Congress of the United States to exercise its functions under the territorial and admission clauses contained in Article IV, section 3 of the Constitution of the United States and under the Treaty of Peace between the United States of America and the Kingdom of Spain, concluded in Paris on 10 December 1898 and promulgated in Washington on 11 April 1899 to provide for the decolonization of Puerto Rico at the earliest possible date.

Fourthly, the United Nations can and should offer its services as an observer of that decolonization process.

In contrast with other colonized peoples who suffered from low levels of schooling, high degrees of illiteracy and a total lack of democratic

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experience, and who therefore required direct and sustained intervention from the Organization in order to achieve decolonization, the people of Puerto Rico - one of the most advanced in the world in terms of education, culture and social, economic and democratic structures - require only indirect intervention on the part of the Organization to ensure that, within the existing legal framework, a process that has been hesitatingly initiated by the colonial Power and the colony is speeded up. To do less would be to doom us to continue to be citizens of a colony. To do more would prejudice our country's capacity to deal with and resolve our own major problem: political status and our future political relationship with the United States of America.

During these hearings scores of speakers will address the Committee, most of them in favour of decolonization either through the establishment of a sovereign republic or by means of the proclamation and admission of a sovereign state to the United States union. Sadly, you will also hear a minority who shamefully refuse to accept the decolonization of Puerto Rico.

In conclusion, I draw your attention to the fact that Dr. José Celso Barbosa who, together with the independence-movement leader, José De Diego, and the autonomy-movement leader, Luis Muños Rivera, one of the great Puerto Ricans, describes the situation as follows:

> "I wish to say that, if I knew from a statement to which I could truly devote attention that Puerto Rico would have to be a permanent colony, a branch of a great factory, even if I came under gun-fire, I would continue to protest, and I would die protesting.
>
> "For this reason I sympathize with those forthright supporters of independence, because they are similar to us in their ultimate

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aspirations. They seek distinct, separate sovereignty, national sovereignty for Puerto Rico. We demand the same sovereignty within the great American Union. The rest is the music of the spheres ... a continuation of attempts to deceive the people."

The meeting rose at 1.15 p.m.